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THE

MESSAGE

FROM THE

GOVERNOR

TO THE

Legislature of the State of New-York,

ON THE OPENING OF THE SESSION,

JANUARY 3, 1826.

ALBANY:

PRINTED BY JOHN B. VAN STEENBERGH.

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MESSAGE.

Fellow Citizens of the Senate,
and of the Assembly:

The blessings of Divine Providence still rest upon our country: Peace, liberty and plenty continue to shed their auspicious influence over the land, and every man may sit down under his own vine and under his own fig tree, and there is none to make him afraid. The exertions of agriculture have been rewarded with abundant harvests: The skill and ingenuity of our mechanics and manufacturers have received liberal and merited encouragement. Internal trade was never more flourishing, and every sea witnesses the enterprising spirit of our commerce. We have been exempt from those malignant diseases which in various shapes frequently occur in new settlements, and sometimes scourge our maritime cities, and good health with its attendant blessings has generally prevailed. The cause of useful knowledge is daily gaining ground, and the advantages of education are duly appreciated and generally diffused. Notwithstanding immense emigrations to the fertile and wide spread regions of the west, our population is in a state of rapid advancement. In every direction we perceive the prominent indications of beneficial improvement and growing prosperity; the erection of houses, of academies, of churches, and of other useful edifices—the expansion of old, and the creation of new towns and cities; an animated attention to the promotion of agriculture, and an increased disposition to cherish useful inventions and to patronise the facilities of beneficial communication. And we also experience the disappearance in a great degree of those agitations and convulsions which formerly disturbed our tranquillity, and we recognise a magnanimous spirit of conciliation and harmony, which appears to grow with the growth and strengthen with the strength of our beloved country

The distresses which at present afflict our commercial cities, and which are extending into the interior, have arisen from causes, that will sometimes occur in the most prosperous communities, and which being temporary in their nature and transient in their character, cannot exist for any considerable period of time. These mercantile convulsions, however afflicting to individuals, or alarming to the public, rarely make serious impressions on the general prosperity. In every community blessed with freedom and intelligence, there is a sustaining and redeeming power, which soon invigorates the tone of public confidence, and remedies the

mischiefs of cupidity, the miscalculations of enterprise, and the excesses of an adventuring spirit.

While this flourishing condition of the state is calculated to elicit our gratitude to the Almighty Dispenser of all good, it must at the same time, admonish you of your high responsibilities. Bound, as you are, to the community, by the double connection of citizens and legislators, your duties cannot be faithfully fulfilled in either character, without an entire devotion to those interests that are identified with the prosperity and the glory of our country.

The first duty of government, and the surest evidence of good government, is the encouragement of education. A general diffusion of knowledge is the precursor and protector of republican institutions ; and in it we must confide as the conversative power that will watch over our liberties, and guard them against fraud, intrigue, corruption and violence. In early infancy, education may be usefully administered. In some parts of Great Britain, infant schools have been successfully established, comprising children from two to six years of age, whose tempers, hearts and minds are ameliorated, and whose indigent parents are enabled by these means, to devote themselves to labor without interruption or uneasiness. Institutions of this kind are only adapted to a dense population, and must be left to the guardianship of private benevolence. Our common schools embrace children from five to fifteen years old, and continue to increase and prosper. The appropriations for last year from the school fund amount to $80,-670, and an equivalent sum is also raised by taxation in the several school districts, and is applied in the same way. The capital or fund is $1,330,000, which will be in a state of rapid augmentation from sales of the public lands and other sources. And it is well ascertained that more than 420,000 children have been taught in our common schools during the last year. The sum distributed by the state is now too small, and the general fund can well warrant an augmentation to $120,000 annually.

An important change has taken place in the free schools of New-York. By an arrangement between the corporation of that city and the trustees of the free school society, these establishments are to be converted into public schools, to admit the children of the rich as well as of the poor, and by this annihilation of factitious distinctions, there will be a strong incentive for the display of talents, and a felicitious accommodation to the genius of republican government. In these seminaries, the monitorial system has been always used, and it has in other institutions been applied with complete success to the high branches of education.

Our system of instruction, with all its numerous benefits, is still however susceptible of great improvement. Ten years of the life of a child may now be spent in a common school. In two years the elements of instruction may be acquired, and the remaining eight years must either be spent in repetition or in idle-

ness, unless the teachers of common schools are competent to instruct in the higher branches of knowledge. The outlines of geography, algebra, mineralogy, agricultural chemistry, mechanical philosophy, surveying, geometry, astronomy, political economy, and ethics, might be communicated in that period of time by able preceptors, without essential interference with the calls of domestic industry. The vocation of a teacher, in its influence upon the characters and destinies of the rising and all future generations, has either not been sufficiently understood or duly estimated. It is or ought to be ranked among the learned professions. With a full admission of the merits of several who now officiate in that capacity, still it must be conceded that the information of many of the instructors of our common schools, does not extend beyond rudimental education ;—that our expanding population requires constant accessions to their numbers, and that to realize these views, it is necessary that some new plan for obtaining able teachers, should be devised : I therefore recommend a seminary for the education of teachers in the monitorial system of instruction, and in those useful branches of knowledge which are proper to engraft on elementary attainments. A compliance with this recommendation will have the most benign influence on individual happiness and social prosperity. To break down the barriers which poverty has erected against the acquisition and dispensation of knowledge, is to restore the just equilibrium of society, and to perform a duty of indispensable and paramount obligation : And under this impression, I also recommend that gratuitous provision be made for the education in our superior seminaries, of indigent, talented and meritorious youth.

I consider the system of our common schools as the palladium of our freedom ; for no reasonable apprehension can be entertained of its subversion, as long as the great body of the people are enlightened by education. To increase the funds, to extend the benefits, and to remedy the defects of this excellent system, is worthy of your most deliberate attention. The officer who now so ably presides over that department, is prevented by other official duties from visiting our schools in person, nor is he indeed clothed with this power. A visitatorial authority for the purpose of detecting abuses in the application of the funds, of examining into the modes and plans of instruction, and of suggesting improvements, would unquestionably be attended with the most propitious effects.

It gives me pleasure to state that our literary colleges continue to deserve high praise and munificent encouragement. The infant college of Geneva, which is in a promising state and under able superintendence, has never experienced the public bounty. As the establishment of an institution of this kind imposes an obligation to make suitable provision for its support, I presume that you will not hesitate to take it under your liberal patronage. I regret to state

that, owing to intestine divisions, the medical college in New-York has not exhibited, this season, that increasing prosperity which might reasonably be expected from the high endowments and acknowledged abilities of its professors. The other medical college at Fairfield, under the guidance of talented and learned men, is now in a flourishing condition. The charter of the Historical Society of New-York has expired, and its finances are in a state of great depression. Its collections of books, manuscripts, medals and maps, illustrative of the antiquities and history of our country, are very valuable, and ought to be preserved for the public benefit. The resuscitation of this society, and a liberal provision for its extended usefulness, are measures worthy of your adoption. I cannot recommend in terms too strong or impressive, as munificent appropriations as the faculties of the state will authorize, for all the institutions to which I have referred, and all other establishments connected with the interests of education, the exaltation of literature and science, and the improvement of the human mind.

In 1818, I had the pleasure to congratulate the legislature on the auspicious commencement and successful progress of the contemplated water communications between the great western and northern lakes and the Atlantic Ocean; and I now have the peculiar gratification to felicitate you on their completion. On the 26th of October last, the western canal was in a navigable state, and vessels passed from Lake Erie to the Atlantic Ocean. In about 8 years, artificial communications, near 428 miles in length have been opened—to the Hudson River from Lake Champlain by the northern canal—to Lake Ontario by the Oswego River and the western canal, and to Lake Erie and the other western lakes by the latter canal—thus affording an extent of inland navigation unparalleled in the experience of mankind. The expense of these works and of some auxiliary, connected and incidental operations, amounts to $9,130,373 83-100, exclusive of interest paid on loans. The canal debt is as follows:

$4,524,270 99-100	at 5 per cent.
3,213,500	at 6 per cent.
Total, 7,737,770 99-100,	

The annual interest of which is $419,023 55. The sum of $270,000 of the six per cent. stock is reimbursable at the pleasure of the state after the first day of October, and the remainder of the debt after the first day of July 1837 and 1845. The amount of tolls received this year has not been exactly ascertained, but it will not fall short of half a million. The whole train of events associated with these works, and the auspicious consequences that have accrued, demonstrate the energy of a free and intelligent people, and their ability as well as disposition to do good. The spirit of internal improvement continues in full power with us, and

has extended itself to other states; and it is to be sincerely hoped that all its movements and operations will be attended with distinguished and numerous blessings. The reflections which naturally grow out of this occasion are of immense importanee to the public interests. In the first place, our attention must be fixed on the prompt extinguishment of the debt. This is a duty enjoined upon us by the constitution, by every consideration of policy, and by every dictate of patriotism. It is obvious that the work will in a few years pay for itself, or in other words, that the income will defray the expense of erection. The auction and the salt duties, and the proceeds of the sales of land, together with the excess of the income of tolls beyond the interest of the debt, will certainly exceed $400,000, this year, which may be applied to the payment in part of the loans. The sum reimbursable in October next can either be discharged from that source, or exchanged for an interest of five per cent. You will, I am confident, perceive the necessity of making full and comprehensive arrangements, whereby your indispensable obligations in this respect may be effectually fulfilled, and a more economical system of expenditure established. It is evident that there are defects in the works, which require remedies, and that there are improvements and additions which ought to be made. The low bridges are a cause of universal complaint, and have occasioned the loss of several valuable lives. They not only greatly diminish the convenience of travelling, but will in a considerable degree impede the transit of cotton and some of the products of our own soil. The banks of the canals, which in some places are continually wearing away, require protection; and all who have witnessed the increase of transportation must admit that in a short time a double set of locks, and perhaps a canal on the north side of the Mohawk from Utica, eastward, will be required. The feeder at Glen's Falls ought to be completed. This work is in a state of considerable forwardness, and will be useful as a canal, particularly for the transportation of lumber; and in case any serious disaster should happen to the Great Dam at Fort Edward, it would afford an abundant supply of water to the Champlain canal, which would otherwise be destitute of it.

The auspicious consummation of the canals naturally called forth universal expressions of joy, not from a spirit of ostentation or vanity, but from a conviction that the moral impression would have a most felicitous effect in keeping alive a noble spirit of improvement, in promoting other undertakiugs, and in elevating the character of the state. During the celebration of this auspicious event, the lives of two worthy citizens, without any imprudence on their part, were destroyed by the explosion of a cannon in Cayuga county, and they have left, as I am informed, helpless and destitute families. I submit it to you, whether the beneficence of the state might not be worthily dispensed to the forlorn widows and orphan children of these unfortunate men.

In considering the improvements of an analogous character which ought to be attempted, it will be found that they relate principally to navigable communications between the Susquehannah, St. Lawrence and Allegany rivers and the Erie canal. There are others undoubtedly of great moment, which merit particular attention. The surveys and estimates required by the "act to provide for the surveys of certain canal routes therein mentioned," will shed light on this subject and illustrate the claims of most of the contemplated canals to your countenance, which will of course, in proportion to their relative importance, receive a support only limited by their essential requirements, by the public resources, and by the indispensable demands of other important objects.

Under the "act concerning the Erie and Champlain canals," passed the 20th April, 1825, two commissioners were appointed to co-operate with one of the acting canal commissioners, for the appraisement of all unsatisfied damages that may have been sustained by the construction of the canals; and it is to be hoped that this measure, so imperiously required by a due regard to the rights of property aud by a sense of public justice, will be brought to a prompt and satisfactory termination.

It has sometimes been thought expedient to combine with grants or authorizations for enterprises deemed to be beneficial to the community, certain indulgences or privileges, as a reward to the undertakers and as an encouragement to the undertakings; and it is apprehended, that in some cases the end has been sacrificed to the means, and that the primary object has been overlooked for subordinate considerations. I am gratified in saying that the proceedings of the company incorporated for making a navigable communication between the Hudson and Delaware rivers have been marked by a different spirit, and have been distinguished for good faith. The whole extent of this proposed work is about 114 miles, and 65 miles are already under contract and in a state of considerable progress, and more work has been performed on it than was done on the Erie canal the first year, although the latter was begun much earlier in the season. This communication will be very important for the supply of anthracite coal and other useful minerals, lumber and other products of the fertile regions with which it will have connexion. In looking at the map of the state and observing the extent of the Delaware river, and the use made of it for descending navigation above the point where it unites with this canal, and then viewing the near approach of the Susquehannah river to the Delaware at the Great Bend, and considering the facilities which this work will give to the population of our southern counties contiguous to the Pennsylvania line for trade with our commercial emporium, I cannot but felicitate you on its progress. The success of this measure will, I hope, induce you to look with a favourable eye on the proposed union of the Great Bays of Long Island—a measure vastly important to our popula-

tion in that quarter and to the city of New-York. But all future grants to associations for public undertakings, coupled with encouraging provisions for individual emolument, ought to be so framed as to preclude the evasions of cupidity, and to coerce an entire compliance with the intentions of the legislature.

It is impossible to reflect on the proposed canals of Ohio without appreciating their important connexion with the interests of this state, with the stability of the union, and with the general prosperity. On the 4th of July last, a canal from the Ohio river at the mouth of the Scioto to Cleaveland, on Lake Erie was begun, and is to be 306 miles in length ; another one from Cincinnati to Dayton 60 miles long is also commenced. These works are in a prosperous way, under the guidance of very able boards of construction and of finance, and sanctioned by the favorable judgment and general support of a moral and intelligent people. Ample provision has been made for the payment of interest on loans, and for the reimbursement of principal, and I am confident that no investments of capital can be made with better security and with more certainty of punctual repayment. Kentucky has incorporated a company with liberal grants and privileges for making a canal round the falls of the Ohio river at Louisville, and this operation is going on under respectable auspices. Illinois has authorised an artificial navigation between the river of that name and Lake Michigan, under very encouraging circumstances ; and other projects for uniting the Great Lakes of the West with the waters that run into the Mississippi are in contemplation. When we consider that these communications will secure to our commercial emporium a great portion of the trade of the valley of the Mississippi and the neighbouring regions, and that the great canal of Ohio in particular, will be finished in three or four years, and is in fact a continuation or prolongation of the Erie canal through a most fertile and productive region, destined in a short time to be one of the most populous and flourishing states of the confederacy, we cannot too highly estimate their importance, nor too liberally extend all the encouragement in our power.

As the canals which have been constructed terminate in the Hudson river near the head of tide water, it is essential as well on that account as for many other considerations, that there should be a good navigation for vessels of large burden to the towns and cities on the upper waters of that river. It is now well understood that transhipments of descending articles will be made at those places from canal to river vessels, and that the reverse will be adopted in relation to ascending commodities ; and this impression is confirmed from the facilities introduced into Great Britain for transhipping articles usually transported in bulk, and which will no doubt be followed by other improved inventions of a similar nature. The removal of the obstructions to the navigation arising from the formation of bars and shallows, has heretofore re-

ceived the aid of the legislature, and I recommend the whole subject, in all its attitudes, presentations, bearings and relations, to your most deliberate consideration, under a full persuasion that you will decide with wisdom and act with energy in a case so deeply interesting to our inland cities and villages, our internal trade, and agricultural, manufacturing and commercial prosperity.

The harbor of New-York has been generally considered, on account of its vicinity to the ocean, and its secure and spacious accommodations, among the best in the world—and the importance of maintaining it in an excellent condition, is greatly increased by the co-operation of an immense inland trade, with a most extensive external commerce: and it is to be hoped that the wisdom and foresight of the respectable municipal authorities will allay the apprehensions which many worthy citizens entertain on that account, from the augmented velocity of the tides, produced by erections in the river, and any salutary measures that require your sanction, will, I am certain, receive it.

By virtue of the "act to provide for the survey of a land communication between Lake Erie and the Hudson river," Nathaniel Pitcher of the county of Washington, Jabez D. Hammond, of the city of Albany, and George Morrell of the county of Otsego, were appointed State Road Commissioners, with authority to explore and survey the various routes for a good road from Lake Erie to the Hudson River; and between the route of the Erie canal and the Pennsylvania line. It is understood that they have been sedulously employed in this investigation during a great part of the last season: and that their report will be prepared and presented as soon as the arduous and complicated enquiries and examinations which it necessarily involves, will permit. I am more and more impressed with the importance of this project; and from the information which I have acquired since its suggestion, and from a personal knowledge of the general physiognomy of the country, I am firmly convinced that it is practicable, that it can be constructed at a moderate expense, and that it will be productive of incalculable benefit to a very considerable portion of our population, which cannot, from its remote and sequestered position, participate in the advantages of our artificial navigation.—I hope, therefore, that no considerations of economy, no personal views, no local interests, no conflicting plans, will prevent you from carrying this measure into complete effect, so as to realize the contemplated object in the most effectual manner, by subserving the best interests of the greatest number; and I trust that no differences will arise on this question, which cannot be reconciled by an accommodating spirit, seeking the general gratification and counselling the general good.

As connected with this subject, permit me to suggest another improvement, which has an interesting bearing on the accommo-

dation of a considerable population in the vicinity of the northern lakes. It is well known that the roads in that quarter, are extremely defective, and that there is in fact no good communication by land from the northern parts of the state, along and near those lakes to the Hudson river. It is contemplated to construct a great road in that region to terminate at Sandy Hill or Fort Edward; and it is certainly an object worthy of your favorable interposition.

I have at various times solicited the attention of the legislature to the encouragement of Agriculture, the first and best pursuit of man; and which, in its two-fold character, as an art or a science, is susceptible of great improvement, and demands and deserves your fostering patronage. As this great department of human industry is under the special cognizance of the state governments, it is peculiarly incumbent on them to devote their utmost attention to its interests. The most effectual countenance that can be afforded, is by establishing a quick, economical and safe access to good markets for the disposal of its productions—and although this has been accomplished to a great extent, yet much remains to be done. Every facilitation of the means of communication by roads and canals, is a premium for the advancement of agricultural prosperity. The aid heretofore rendered has certainly dispensed much benefit; and if there exist insurmountable prejudices against it in some places, on account of imputed malversation in the distribution of premiums, or the supposed inordinate avidity of the opulent to obtain them, without any other recommendation than the means furnished by their wealth or from any other cause, other modes than those heretofore adopted might be resorted to for cultivating and elevating this cardinal interest. A wide and unexplored field of improvement lies before us. Experimental and pattern farms; plantations of useful trees for ship building, architecture and fuel; labor-saving machines; improved seeds and plants of those productions now raised; new modes of cultivation; new objects for cultivation, and the whole range of rural economy, are subjects deserving your animating support. Flax, hemp and wool are among our most valuable productions, and are essential ingredients in some of our most important manufactures. The cultivation of the two first articles has been much impeded by the want of labor-saving machines for their due preparation—and the raising of sheep has been greatly discouraged by the depredations of wolves, foxes and dogs. If that desideratum were supplied, and those evils prevented, there is little doubt but that these productions would realize as important benefits to us, as are derived from the cultivation of cotton by our southern brethren.

Associations have been established in Great Britain and in a few cities in this country for instructing mechanics in the departments of science connected with the useful arts, and they have a most excellent effect in developing talent and stimulating ingenuity. The numerous claims for new inventions and discoveries which are con-

stantly seeking protection under patents, when they are sometimes neither practicable, nor original, nor beneficial, might be suitably disposed of by passing, in the first instance, through the ordeal of the scientific men who preside over or participate in the concerns of our mechanic and scientific institution ; and the appropriation of an adequate fund under their superintendence, for rewarding the authors of improved inventions, would have a tendency to cherish intellectual worth, and to administer to the best interests of the community.

Although we are furnished with excellent anthracite coal from Pennsylvania, at moderate prices, which will be lowered when the canals, communicating with the coal-beds are finished ; and although bituminous coal of the best quality may be delivered at Albany from Ohio, on the completion of its canal, for little more than seven dollars a chaldron, yet this fossil is so essential to domestic accommodation, and so identified with the interests of manufactures and the useful arts, that we ought not to lose sight of the advantages that will be derived from a multiplication of the sources of supply, and from procuring it in our own state. There are strong indications of its presence in various places, and it has been confidently alleged that it has been detected in some parts of our country. A vigilant exploration by well informed men would in all probability not only develope this article, but other useful minerals ; and the expense of such investigations would be of no consequence when compared with their important results.

During the past year, ten criminals have been sentenced to the punishment of death—nine for murder, and one for arson of an inhabited house—of which nine have been executed, and the punishment of the other has been exchanged for imprisonment for life in the state prison at Auburn It is impossible to advert to the stern necessity which imposed this duty on the public functionaries, and to contemplate this unusual number of capital punishments proceeding from the most horrible crimes, without the most painful emotions. Besides this, several other criminals have been tried for homicide and convicted of manslaughter. I presume that there are no peculiar causes which have produced this unprecedented perpetration of atrocious crimes, and it is to be hoped that the present year may pass off without any. In the revision of our statutes, from which I anticipate great benefit to the public, and much honour to the authors, it is very desirable that the crime of murder may be accurately defined and distinguished into murder of the first and murder of the second degree, and that the punishment of death may be confined to the former. The necessity of this arrangement will be evident, when it is understood that in two of the cases to which I have alluded, the nature of the offence, whether murder or manslaughter, was a question of doubt with some persons skilled in the criminal law. Burglary is in all cases punishable with imprisonment for life in the state prison, when in some instances it is but a slight

offence. The doctrine of constructive felonies is involved in much obscurity, and requires legislative exposition. The punishments for violations of the act against forgery and counterfeiting, are arranged without a due regard to the nature of the offences, and may exhibit singular incongruities, as adjudged by different tribunals. Indeed the whole system requires careful revision and considerable amelioration. As little latitude as possible ought to be left to judicial discretion. The crime ought to be as accurately described, and the punishment as distinctly declared, as the wisdom and language of man will permit. Under the administration of our present imperfect code, the same offence frequently receives a different degree of punishment in different criminal courts.

During the recess I have had an opportunity of visiting the state prison in New-York, and am gratified in saying that it is in an excellent condition, and that the inspectors and other officers are entitled to great praise for their able management of its important concerns. The average number of prisoners in it for the last year was 575—and the support and clothing of each prisoner cost $32 72. There is now a balance in favor of this prison of $5,825 83, to meet the expenses of this year; and it is believed that if the judicious alterations recommended by the inspectors at the last session had been adopted, the guard and keepers might have been diminished, and that the income from the labor of the convicts might have met every expense. The new state prison erecting at Sing-Sing, in Westchester county, was commenced in May last, and will probably be finished in the autumn of 1827. The materials for the building, except iron, are found on the spot.—No wood is used in the construction, and it will be entirely incombustible. The ground (about 130 acres) has cost about $20,000. A great part of the work is done by convicts who are secured in the night time in 60 cells already provided. The principal material is excellent marble. I have not obtained particular information of the other prison at Auburn, but I have reason to believe that it is in a good condition.

The efficacy of punishment consists in its certainty, not in its severity; and I have therefore endeavoured to exercise the pardoning power with a view to this policy. I do not recollect a single instance where pardons have been granted without evidence of good behaviour in prison, and without the recommendation of district attornies, courts or inspectors; and I believe that in every case considerable punishment had been previously inflicted. In such an immense and growing population, there will be an increase of crimes, and the inefficacy of our penitentiary system must not therefore be inferred from it. There is every reason to believe, that under the former sanguinary code offenders would have been more numerous, from the difficulty of procuring their conviction and bringing them to punishment. Pardons, in the judgment of the inspectors, are sometimes merited by a course of

good conduct, and at other times are rendered proper after sufficient suffering. After satisfactory evidence of reformation, they have a salutary influence on the conduct of the prisoners in general. A confinement of several years in a state prison generally impairs the healths, sometimes destroys the constitutions of the unhappy subjects; and in many instances a continuance would amount to the punishment of death, when it was not intended, and when it ought not to be inflicted. In cases of this kind, it is due to the best feelings of our nature, and it is demanded by the voice of justice to extend the hand of mercy.

The best penitentiary institution which has ever been devised by the wit, and established by the beneficence of man, is in all probability the House of Refuge in the city of New-York for the reformation of juvenile delinquents. It takes cognizance of vice in its embryo state, and redeems from ruin and sends forth for usefulness those depraved and unfortunate youth, who are sometimes in a derelict state, sometimes without subsistence, and at all times without friends to guide them in the paths of virtue. The tendency of this noble charity is preventive as well as remedial; and during the short period of its existence, its salutary power has been felt and acknowledged in the haunts of vice, and in the diminution of our criminal proceedings. I cannot recommend its further encouragement in language too emphatic; and I do believe, if this asylum were extended so as to comprehend juvenile offenders from all parts of the state, that the same preserving, reclaiming and reforming effects would be correspondently experienced.

The state of the militia has not materially varied since my last annual communication; and I know of no important improvements necessary to engraft into our existing code. I have every reason to be gratified with the prevailing spirit, and with the general disposition of this useful and respectable body of our fellow-citizens, to improve themselves in military knowledge and discipline, and to render their country service when necessary.

I have frequently been called on for the loan from the arsenals, of muskets, rifles, and other implements for the accommodation of new-raised corps; but not having express authority for the purpose, I have in every instance declined interference.

There are about 200 companies of horse and field artillery, and they are provided with only 158 pieces of artillery: allowing but one piece to each company, there is consequently a deficiency of 42. There are several artillery companies totally unprovided; and there are now 70 applications to the commissary general for a supply, which of course cannot be furnished. There are 12 brass and iron field pieces in the arsenal not mounted: directions for that purpose, and for procuring 30 new ones, would be very useful and accommodating to that important branch of our militia.

The inhabitants of Putnam county, to a great extent, derive

their titles to their farms from confiscated property sold by the authority of the state. It is understood that there is an adverse claim, and that the death of an individual in England has removed all obstacles to its assertion. In this crisis, involving the interests of a numerous, industrious and meritorious population, it is your bounden duty to take prompt and decisive measures for their indemnification and protection. I learn that the claimants have no disposition to resort to any other measure than amicable negociation. I would therefore suggest whether it would not be expedient to constitute a board of able jurists, with power to inquire into the validity of the adverse title; and, if in their opinion it should be valid, to institute a negociation, and to enter into an arrangement for its complete extinguishment, subject however to the ratification of the legislature; and that the law officers of the state be instructed to defend the innocent possessors at the public expense, against any suits that may be brought. I feel assured, that whatever may occur in the case, or grow out of the proceedings, you will always save them harmless.

This state being now represented by only one member in the senate of the United States, I solicit your immediate attention to the enactment of a law providing for an election as soon as the forms of legislation will permit; and I hope to see this vacancy supplied in a manner that will reflect honor on your discernment and patriotism. The census lately taken, affords conclusive evidence of our progressive population, and furnishes the most valuable statistical information. It is now necessary to make a new apportionment of the representation in the legislature; and on this occasion I would suggest, whether in case of an equality of votes between candidates for legislative seats, or death, or resignation, it would not be well to make provisions for a new choice.

It is provided in the constitution "that the governor may remove any sheriff, clerk or register, at any time within the three years for which he shall be elected, giving to such sheriff, clerk or register, a copy of the charge against him, and an opportunity of being heard in his defence, before any removal shall be made." There is no authority conferred in such cases to compel the testimony of witnesses, in order to substantiate or refute the accusations; and the testimony now voluntarily given, has not the sanction of a judicial oath; and thus the innocent may suffer, or the public interest sustain detriment.

The people of the United States have conferred honor on themselves by rendering due honor to that distinguished friend of the human race, General La Fayette, during his auspicious visit to this country. While we are thus attentive to the powerful claims, and grateful for the distinguished services of the living hero, let us not be unmindful of the illustrious dead. Captain Macdonough distinguished himself during the last war by capturing a British fleet on the waters of this state; and at a most perilous and eventful pe-

riod, protected our frontiers against invasion, and covered himself with immortal glory. This state, greatly to its honor, has noticed him favorably in different ways. The local government of the city of New-York has with characteristic good feeling and public spirit, evinced the highest respect for him when living, and which was signally manifested after his death. I have on another occasion publicly and officially expressed my sense of his merits, of his services, and of his demands on the public gratitude ; and as nothing has since occurred to change my opinion, I now consider it incumbent on me to propose the erection of a monumental memorial, illustrative of the deep impressions which his heroic services have made upon the people of this state.

On this occasion, it may not be improper to present to your notice the case of the orphan children of Robert Fulton. That great mechanician, after having perfected the most useful invention of the age, departed this life, leaving nothing to his children but an illustrious name and his interest in a grant of this state. Deprived of the benefits of that grant, they are now thrown almost destitute on the world. Justice, equity, magnanimity and benevolence speak loudly in their favor : and it is now in your power, by a recognition of the services and claims of that benefactor of the world, to rescue, so far as you are concerned, republican governments from a standing reproach.

It is advisable for you to turn your attention to the serious accidents which have occurred in the navigation of steam-boats, and to the dangers to which they are exposed from the absence of a fixed rule in relation to their passing each other. The application of the law of the road to steam-boats, and the adoption of judicious precautionary measures for the safety of travellers, whether by land or by water, are subjects well worthy of your attention.

The protection which this state has always afforded to our red brethren, reflects honor on humanity. Several of them greatly for their benefit, have removed to their recently acquired territory in the vicinity of Lake Michigan, while others manifest an intention to remain in their present possessions. I regret to state that the St. Regis Indians have been convulsed by party spirit, which has produced contested elections for trustees, and difficulties in the payment of their annuities.

I beg leave to refer you to the recommendations which I had the honor to present to the legislature the last session, and which were not conclusively acted on, and particularly to the amendments proposed to the constitution, respecting the elective franchise, and the choice of justices of the peace by the people.

While it is our imperative duty to support the national government in all its constitutional functions and patriotic demonstrations, we are equally bound to sustain the just rights and legitimate authorities of the state. The one is intimately blended with our power and safety, and the other is identified with the preservation

of free government. They are component and essential parts of the same magnificent system, and the pillars cannot be destroyed without a subversion of the whole edifice.

I have thus, fellow citizens, in obedience to the mandate of the constitution, communicated the condition of the state, and recommended such matters to you as I have judged expedient. It may be proper to observe, that as I intend to shrink from no just responsibility, and mean to be explicitly understood by our constituents and their representatives, I have not clothed my recommendations in ambiguous phrases and general terms, but have been as precise, as specific, and as detailed as a full and comprehensive view of the subjects submitted, requires; and I am fully persuaded, that in pursuing this course, which every public servant owes to the source of all legitimate authority, the errors of the understanding will meet with that liberal reception which is due to the purity of the motives The same impressive considerations in relation to the honor, the dignity, the tranquillity and the prosperity of the state, which induced me at the last session to inculcate conciliation and harmony, and the union of all heads, all hearts and all hands in favor of the best interests of our country, exist still in undiminished force. The moderation and good feelings which now so generally prevail are the harbingers of a better state of things, which must eventually terminate in the restoration of that character, and of that just share of influence which have been greatly impaired by our intestine divisions; and I assure you that nothing will afford me higher satisfaction than to furnish in my own conduct, a practical illustration of the salutary and predominating influence of these high and momentous considerations.

DE WITT CLINTON.

ALBANY, *January* 3, 1826.

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